## Remarks

Claims 1, 2, 4, 5, 8 and 22 were pending.

Applicants have amended claim 1 to recite a method for identifying an increased likelihood of lupus nephritis. Support for the amendment to claim 1 is found at least, for example, in original paragraphs [0058] and [0079]-[0080] and in the Examples.

Applicants submit the amendment introduces no new matter into the application.

### 35 U.S.C. § 112, second paragraph

The Office action of September 2006 rejected claim 3 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants canceled claim 3 without prejudice in the amendment of December 8, 2006. Applicants request withdrawal of the rejection.

### 35 U.S.C. § 112, enablement

The Office action rejected claims 1-3, 5-8, and 22 under 35 U.S.C. § 112, first paragraph for lack of enablement. The advisory action repeatedly noted that, while Applicants asserted that elevated midkine expression is indicative of an increased likelihood of lupus, the claims were drawn to the diagnosis of lupus. The Office action argued that, based on the mouse model, it was unclear how high the expression levels must be in a human sample to diagnose lupus and speculated that other factors may affect expression levels. The Office action argued that the examples in the specification relating to the comparison of expression levels in a mouse model are not a working example of a diagnostic method, but only an example of an association between an expression level and the disease.

Applicants have amended the claims, without prejudice. The claims no longer recite a method of diagnosis. The claims are now drawn to a method of identifying an increased likelihood of lupus nephritis. The application describes use of midkine expression levels as a marker for lupus and to differentiate lupus-bearing or lupus-predisposed kidney samples from

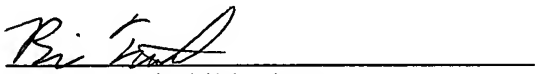
other kidney samples. The application provides actual working examples in mouse models demonstrating elevated midkine expression in lupus-bearing or lupus-predisposed kidney samples and demonstrating a reduction in midkine expression upon rapamycin treatment. Thus, the application provides actual, working, enabled examples of the claimed invention, using mouse models accepted in the scientific community as models for human lupus.

Applicants therefore respectfully request reconsideration and withdrawal of the rejection for these reasons and for all of the reasons already of record in Applicants' prior submissions.

## Conclusion

Examiner Salmon is invited to telephone the undersigned attorney to discuss any remaining issues.

Respectfully submitted,



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